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THE UTAH BILL.

A PLEA FOR RELIGIOUS LIBERTY

SPEECH

OF

Hon. W. H. HOOPER,

OF UTAH,

Delivered in the House of Representatives,

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SPEECH.

MR. SPEAKER: I wish to make a few remarks concerning the extraordinary bill now under consideration. While so doing, I crave the attention of the House, for I am here, not alone as one of the people sought to he cruelly oppressed; not only as the Dclegate representing Utah; hut as an American citizen, to utter my solemn protest against the passage of a bill that aims to violate our dearest rigbts, and is fraught with evil to the Repuhlic itself.

I do not propose to occupy the time of the House hy dwelling at length upon the vast contrihutions of the people of Utah to the wealth of the nation. There is no memher of this Honse who does not recollect in his school-hoy days the vast region west of the Rocky mountains characterized in the geographies as the "Great American Desert." "There," said those veracious text-hooks, "was a vast region wherein no man could live. There were springs and streams, upon the hanks of which could he seen the bleaching hones of animals and of men, poisoned from drinking of the deadly waters." Around the horders of this vast desert, and in its few habitahle parts, roamed the painted savages, only less cruel and remorseless than the desert itself.

In the midst of this inhospitahle waste to-day dwell an agricultural, pastoral, and self-sustaining people, numhering 120,000 souls. Everywhere can he seen the fruits of energetic and persistent industry. The surrounding mining Territories of Colorado, Idaho, Montana, Arizona, and Nevada, in their infancy, were fed and fostered from the surplus stores of the Mormon people. The development of the resources of these mining Territories was alone rendered possihle hy the existence at their very doors of an agricultural people, who supplied them with the chief necessities of life at a price scarcely ahove that demanded in the old and populous States. The early immigrants to California paused on their weary journey in the redeemed wastes of Utah, to recruit their strength and that of their animals, and California is to-day richer hy thousands of lives and millions of treasure, for the existence of this halfway house to El Dorado.

To the people of Utah, therefore, is to be attributed no inconsiderable part in the production of the vast mineral wealth which has poured into the coffers of the nation from our mining States and Territories.

This, however, is but a tithe of our contributions to the nation's wealth. By actual experiment we have demonstrated the practicability of redeeming these desert wastes. When the Pacific slope and its boundless resources shall have been developed; when beyond the Rocky mountains 40,000,000 of people shall do homage to our flag, the millions of dwellers in Arizona, Nevada, Idaho, Colorado, and Montana, enriched by the products of their redeemed and fertilized deserts, shall point to the valley of Great Salt Lake as their exemplar, and accord to the sturdy toilers of that land due honor, in that they inaugurated the system and demonstrated its possible results. These results are the offering of Utah to the nation.

When Robert Fulton's first steamboat moved from New York to Albany, so far as concerned the value of the vessel, he had made scarce a perceptible addition to our merchant marine; but the principle, the practicability of which he then demonstrated, was priceless, and enriched the nation more than if she had received the gift of the vessel, built from and loaded with solid gold.

I will not, Mr. Speaker, trespass upon the time of the House by more than thus briefly adverting to the claims of Utah to the gratitude and fostering care of the American people.

For the first time in the history of the United States, by the introduction of the bill under consideration, a well-defined and positive effort is made to turn the great law-making power of the nation into a moral channel, and to legislate for the consciences of the people.

Here, for the first time, is a proposition to punish a citizen for his religious belief or unbelief. We have before us a statute-book designating crimes. To restrain criminal acts, and to punish the offender, has heretofore been the province of the law, and in it we have the support of the accused himself. No man comes to the bar for trial with the plea that the charge upon which he is arraigned constitutes no offence. His plea is, "Not guilty." He cannot pass beyond and behind the established conclusions of humanity. But this bill reaches beyond that code into the questionable world of morals—the debatable land of religious beliefs; and, first creating the offence, seeks with the malignant fury of partisan prejudice and sectarian hate to measure out the punishment.

The bill before us declares that that system which Moses taught, that

God allowed, and from which Christ, our Saviour, sprung, is a crime, and that any man believing in it and practising it—I beg pardon, the bill, as I shall presently show, asserts that belief alone is sufficient—that any one so offending shall not be tried, but shall be convicted, his children declared bastards, his wives turned out to starve, and his property be confiscated, in fact, for the benefit of the moral reformers, who, as I believe, are the real instigators in this matter.

The honorable member from Illinois, the father of this bill, informs us that this is a crime abhorred by men, denounced by God, and prohibited and punished by every State in the Union. I have a profound respect for the motives of the honorable member. I believe he is inspired by a sincere hostility to that which he so earnestly denounces. No earthly inducement could make him practise polygamy. Seduction, in the eyes of thousands, is an indiscretion, where all the punishment falls upon the innocent and unoffending. The criminal taint attaches when the seducer attempts to marry his victim. This is horrid. This is not to be endured by man or God, and laws must be promulgated to prevent and punish.

While I have this profound regard for the morals and motives of the honorable member, I must say that I do not respect, to the same extent, his legal abilities. Polygamy is not denounced by every State and Territory, and the gentleman will search in vain for the statute or criminal code of either defining its existence and punishment. The gentleman confounds a religious belief with a criminal act. He is thinking of bigamy when he denounces polygamy, and in the confusion that follows, blindly strikes out against an unknown enemy. Will he permit me to call his attention to the distinction? Bigamy means the wrong done a woman by imposing upon her the forms of matrimony while another wife lives, rendering such second marriage null and void. The reputation and happiness of a too confiding woman is thus forever blasted by the fraudulent acts of her supposed husband, and he is deservedly punished for his crime. Polygamy, on the contrary, is the act of marrying more than one woman, under a belief that a man has the right, lawfully and religiously, so to do, and with the knowledge and consent of both the wives.

I suppose, Mr. Speaker, that in proclaiming the old Jeffersonian doctrine that that Government is best which governs least, I would not have even a minority upon this floor. But when I say that in a system of self-government such as ours, that looks to the purest democracy, and seeks to be a government of the people, for the people, and by the peo-

ple, we have no room for the guardian, nor, above all, for the master, I can claim the united support of both parties. To have such a government. to retain such in its purest strength, we must leave all questions of morals and religion that lie outside the recognized code of crime to the conscience of the citizen. In an attempt to do otherwise than this, the world's abiding places have been washed with human blood, and its fields made rich with human bones. No government has been found strong enough to stand unshaken above the throes of religious fanaticism when driven to the wall by religious persecution. Ours, sir, would disappear like the "baseless fabric of a vision" before the first blast of such a convulsion. Does the gentleman believe, for example, that in aiming this cruel blow at a handful of earnest followers of the Lord in Utah he is doing a more justifiable act than would he, in the eyes of a majority of our citizens, a bill to abolish Catholicism, because of its alleged immorality; or a law to annihilate the Jews for that they are Jews, and therefore obnoxious? Let that evil door once be opened; set sect against sect; let the Bible and the school books give place to the sword and the bayonet, and we will find the humanity of to-day the humanity of the darker ages, and our beautiful Government a mournful dream of the past.

This is not only philosophically true, but, sir, it is historically a fact. In making the appeal, I stand upon the very foundation-stone of our constitutional Government. That they might worship God in accordance with the dictates of conscience, the fathers fled from their homes in Europe to the wilds of America. For this they bore the fatigues or perished in the wilds of a savage-haunted continent; for this they poured out their blood in wars, until every stone in the huge edifice that shelters us as a nation is cemented by the blood of the martyr. Upon this, however, I need not spend my time or yours; a mere statement of the proposition is a conclusive argument from which the people, in their honest instincts, will permit no appeal. In our Constitution, still perfect and fresh as ever, we have a clause that cannot be changed and leave a vestige of a free government. In the original instrument we find this language: "No religious test shall ever be required as a qualification to any office or public trust under the United States." But this was not considered sufficiently comprehensive for a free people, and subsequently we find it declared, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Upon the very threshold of my argument, however, I am met by the

advocates of this extraordinary hill with the assumption that polygamy is not entitled to he considered as a portion of our religious faith; that under the Constitution we are to he protected and respected in the enjoyment of our religious faith, hut that we are not entitled to consider as a portion thereof the views held hy us as a people in reference to the marriage relation. One eminent disputant, as an argument, supposes a case where a religious sect might claim to believe in the rightfulness of murder, and to he protected in the enjoyment of that right. This is not in any sense a parallel case. Murder, hy all law, human and divine, is a crime; polygamy is not. In a suhsequent portion of my remarks, I shall show, that not only hy the authority of the Old Testament writers, hut by numerous leading writers of the Christian church, the doctrine of polygamy is justified and approved. The only ground upon which any argument can he maintained that our views of the marriage relation are not to he considered as a portion of our religious faith, is that marriage is a purely civil contract, and therefore outside the province of religious doctrine. No sect of Christians can, however, he found who will carry their heliefs to this extent. The Catholic church, the most ancient of the Christian churches, and among the most powerful in numbers of the religious denominations of our country, upon this point is in accord with the Mormon church. Marriage, according to the faith of the Catholic church, is one of its sacraments; is not in any sense a civil contract, hut a religious ordinance, and the validity of a divorce granted hy a civil court is denied. And not in any Christian church is the marriage contract placed on a par with other civil contracts—with a swap of horses or a partnership in trade. It is a civil contract, in that a court of equity, for certain specified causes, may dissolve it; hut not otherwise. Upon the marriage contract is invoked the most solemn sanctions of our Christianity; the appointed ministers and servants of God, hy their presence and aid, give solemnity and efficiency to the ceremonial, and upon the alliance is invoked the Divine guidance and hlessing. To most intents and purposes, with every Christian denomination, the marriage ceremony is regarded as a religious ordinance. Upon this point, therefore, and a vital point in the discussion of the question hefore us, the Catholic church in fact, and the other religious denominations in theory and usual practice, are with the Mormons in their position, that the supervision and control of the marital relation is an integral and essential portion of their religious faith and practice, in the enjoyment of whioh they are protected hy the Constitution.

The Mormon people are a Christian denomination. They helieve

fully in the Old and New Testaments, in the divinity of Christ' mission, and the upbuilding and triumph of his church. They do not believe, however, that light and guidance from above, ceased with the crucifixion on Calvary. On the other hand, they find that in all ages, whenever a necessity therefor existed, God has raised up prophets to speak to the people, and to manifest to them his will and requirements. And they believe that Joseph Smith was such a prophet; that the time had arrived when there was a necessity for further revelation, and through Joseph Smith it was given to the world.

Upon this point of continuous revelation, which is really one of the turning points of the controversy, we are in accord with many of the most eminent divines of the Christian church, and with the most earnest and vigorous thinkers of our own day.

Upon the departure of the Pilgrim Fathers from Holland for America, the Rev. John Robinson, their beloved pastor, preached a farewell sermon, which showed a spirit of mildness and tolerance truly wonderful in that age, and which many who claim to be ministers of God would do well to imitate in this:

"Brethren, we are quickly to part from one another, and whether I may ever live to see your faces on earth any more, the God of heaven only knows; but whether the Lord hath appointed that or not, *I charge you, before God, and His blessed angels, that you follow me no further than you have seen me follow the Lord Jesus Christ. If God reveal anything to you by any other instrument of his, be as ready to receive it as you were to receive any truth by my ministry;* for I am fully persuaded, I am very confident, that the Lord has *more truth yet to break forth out of His holy word.*

"For my part, I cannot sufficiently bewail the condition of the reformed churches, who are come to a period in religion, and will go at present no further than the instruments of their reformation. The Lutherans cannot be drawn to go beyond what Luther saw. Whatever part of His will our good God has revealed to Calvin, *they will rather die than embrace it;* and the Calvinists, you see, stick fast where they were left by that *great man of God, who yet saw not all things.*

"This is a misery much to be lamented, for though they were burning and shining lights in their times, *yet they penetrated not into the whole counsel of God;* but were they now living, would be as ready to embrace further light as that which they first received. I beseech you to remember that it is an article of your church covenant, that you shall be ready to receive *whatever truths shall be made known to you from the written word of God.*"

And, says Ralph Waldo Emerson, in one of his most golden utterances, "I look for the hour when that supreme beauty which ravished the souls of those Hebrews, and through their lips spoke oracles to all time, shall speak in the West also. The Hebrew and Greek Scriptures

contain immortal sentences that have been the bread of life to millions. But they have no epical integrity; are fragmentary; are not shown in their order to the intellect. I look for the new Teacher that shall follow so far those shining laws that he shall see them come full circle; shall see their rounding, complete grace; shall see the world to be the mirror of the soul."

Conceding, therefore, that new revelations may be at all times expected in the future of our race, as they have been at all times vouchsafed in the past, and the whole controversy ends. A man has arisen named Joseph Smith; he claims to be a prophet of God, and a numerous community see fit to admit the justice of such claim. It is a religious sect; it has to-day vindicated its right to live by works and sacrifices which are the admiration even of its enemies. It brings forward certain new doctrines; of church government; of baptism, even for their dead; of the marriage relation. Upon what point is it more probable that light from above would be given to our race, than upon the marriage relation? The social problem is the question of the age. The minds of many of the foremost men and women of our day are given to the study of the proper position and relations of the sexes. The wisest differ—differ honestly and unavoidably. Endless is the dispute and clamor of those honestly striving to do away with the social evil; to ameliorate the anomalous condition of the wronged and suffering women of to-day. And while this is so; while thousands of the good and pure of all creeds and parties are invoking the Divine guidance in their efforts for the good of our fallen humanity, is it strange that the Divine guidance thus earnestly besought should come—that the prayers of the righteous be answered? The Mormon people believe that God has thus spoken; that through Joseph Smith he has indicated the true solution of the social questions of our day; and while they persecute or question no man for differing honestly with them, as to the Divine authority of such revelation, they firmly insist that in their following of what they believe to be the will of God, they are entitled to the same immunity from persecution at the hands of the Government, and to the same liberty of thought and speech, wisely secured to other religious beliefs by the Constitution.

Upon the point whether polygamy can properly be considered as a part of our religious faith and practice, I beg leave humbly further to submit, sir, that the decision rests solely on the conscience and belief of the man or woman who proclaims it to be a religious belief. As I have said, it is not numbered among the crimes of that code recognized by all

nations having any form of government under which criminals are restrained or punished, and to make it such, a new code must he framed. My people proclaim polygamy as a part of their religious helief. If they are honest in this, however much they may he in error, they stand on their rights under the Constitution, and to arrest that error you must appeal to reason, and not to force. I am here, not to argue or demonstrate the truthfulness of their faith; I am not called upon to convince this honorahle House that it is either true or false; but if I can convince you that this belief is honorahly and sincerely entertained, my ohject is accomplished.

It is common to teach, and thousands helieve that the leaders of the sect of Latter-Day Saints, popularly known as Mormons, are hypocrites, while their followers are either ignorant, deluded men and women, or people held to their organization hy the vilest impulses of lust. To refute these slanders, I can only do as the earlier Christians did, point to their sufferings and sacrifices, and I may add, the unanimous testimony of all, that aside from what they consider the ohjectionahle practice of polygamy, my constituents are soher, moral, just, and industrious in the eyes of all impartial witnesses. In this community, removed hy long reaches of wastes from the moral influences of civilization, we have a quiet, orderly, and Christian community Our towns are without gambling hells, drinking saloons, or brothels, while from end to end of our Territory the innocent can walk unharmed at all hours. Nor is this due to an organized police, hut to the kind natures and Christian impulses of a good people. In support of my argument of their entire sincerity, I with confidence appeal to their history.

The Mormon church was estahlished at Fayette, New York, in the year 1830. In 1831 the headquarters of the people was removed to Kirtland, Ohio, and considerahle numhers of missionaries were sent out to preach the new religion in various parts of the Northern States. Many converts were made and removed to Kirtland, hut they were subjected to various petty annoyances and persecutions by the surrounding people. Land not heing ahundant or easily acquired for the rapidly increasing numhers, the new converts were advised to locate in Jackson county, Missouri, where land was ahundant and cheap, where in fact but few settlers had preceded our people. The Mormons soon hecame a prosperous and wealthy community; the same hahits of industry and thrift which they have ever maintained heing even then vigorously inculcated by their leaders. Many hundred thousand acres of Government land were purchased, fine farms and thriving settlements were estahlished,

and the first printing press in western Missouri put in operation. But the wealth acquired hy the people was desired hy our neighhors; the lawless horder-men, who afterward made the frontiers of Kansas their hattle-field, attacked, plundered, and murdered our settlers, and finally drove them from their delightful homes, which they appropriated to themselves. The title to much of the land in Jackson and other counties is to-day in Mormons, who were then driven from their homes. During the trouhles incident to the expulsion of the Mormons, hundreds of men, women, and children were murdered, or died from diseases caused hy exposure to the inclemencies of the weather. The wretched refugees afterward located in Clay, Caldwell, and Davies counties, Missouri, where there were almost no settlers, and where, within a few years, their industries had again huilt up thriving settlements and accumulated large herds of stock. The outrages of Jackson county were then repeated, the Mormons driven from their homes, which were seized hy the marauders, and thousands of women and children driven forth homeless, and the prey for the horder-ruffians whose cupidity had heen excited hy the wealth of the industrious exiles. Huudreds perished from cold, exposure, and starvation. But their leaders, sustained hy an undying faith, again called together their scattered and impoverished followers, and removing to Illinois, founded the city of Nauvoo.

For several years they were comparatively undisturhed; they huilt up one of the most thriving and heautiful cities of the State. Far as the eye could reach from the eminence of their temple, the well-tilled farms and gardens, the comfortable farm-houses, the mills and factories, and well-filled schools, attested the industry, the thrift, and the wealth of the once persecuted people. But again their wealth created envy in the lawless horder-men of the new State. Without what even their enemies claim was justifiahle cause, and in a manner which Gov. Ford characterized as a permanent disgrace to the people of the State, they were attacked, pillaged, and driven across the river, their houses burned; their women and children driven forth unsheltered in the inclement season of the year; their leaders hrutally murdered.

The annals of religious persecution, so fruitful of cruel ahuse, can give nothing more pitiahle and heart-rending than the scenes which followed this last expulsion. Aged men and women, the sick and feehle, children of tender years, and the wounded, were driven into the flats of the river, yet in sight of their once happy houses, to perish from exposure and starvation. While over our hroad land the church hells of Christian communities were ringing out peace and good-will to men; while to the

churches thronged thousands to hear preached the gospel of charity and forgiveoess; these poor, heart-sick followers of the same Redeemer, were driven in violence from their houses to perish like wild heasts in the swamps and wilderness. The gentlemen charge us with hypocrisy and depraved lusts for motives, with such a record as this to mock their charges! The world has many hypocrites, and is well filled with wicked men, hut they keep about them the recompense of sin, and have other histories than this I give you, and which history no man can deny.

Word went out to the world that Mormonism had finally heen annihilated. But again the scattered hosts were gathered together, and set out on a pilgrimage, that since that of the children of Israel has heen without parallel in the history of the human race. They had no stores; they were beggared in the world's goods, yet with earnest religious enthusiasm they toiled on through unknown deserts, over unexplored mountain ranges, and across plains haunted hy savages, only less cruel than the white Christians who had driven them forth in search of that promised land, where at last they could worship God in accordauce with the dictates of their own consciences, and find unhroken that covenant of the Constitution which guards this sacred right. Ragged, foot-sore, starving and wretched, they wandered on. Delicately nurtured women aud their little children dug roots, or subsisted on the hark of trees or the hides of animals. From Nauvoo to Salt Lake, the valley of their promised land—1,500 miles—there is to-day scarce a mile along that dreary and terrihle road, where does not repose the hody of some weary one, whom famine, or sickness, or the merciless savage, caused to perish hy the way.

It was while on this pilgrimage that an order came from the Government for five hundred men to serve as soldiers in the Mexican war. The order was promptly oheyed. These devoted men, who had received only cruel persecution from the people they were called upon to protect on the field of hattle, dedicated their poor, helpless wives to God, and themselves to their country. Leaving their families to struggle on as hest they could, these hrave, patriotic men followed our flag into New Mexico and California, and were at last dishanded at San Diego, with high praise from their officers, hut with scanty means to return to those they loved, and whom they had left to suffer, and perhaps to perish on the way.

Thus, Mr. Speaker, three times did this persecuted people, hefore their location in Utah, huild up for themselves pleasant and prosperous homes, and hy their industry surround themselves with all the com-

forts and appliances of wealth; and three times were they, by an unprincipled and outrageous mob, driven from their possessions, and reduced to abjectest poverty. And bear it in mind, that in every instance the leaders of these organized mobs, offered to all who would abandon and deny their faith, toleration and the possession of their homes and wealth. But they refused the tempting snare. They rejoiced that they were thought worthy to suffer for the Master, and, rather than to deny their faith, they welcomed privation; they sacrificed all that earth could offer; they died the saintly martyr's death.

Mr. Speaker, is this shining record that of a community of hypocrites? What other Christian denomination of our country can show higher evidences of earnestness, of devoted self-sacrifice for the preservation of their religious faith?

In further presentation of my argument, Mr. Speaker, that the doctrine of polygamy is an essential feature in our religious faith, and that in our adherence thereto we are advocating no new or unsupported theory of marriage, I crave the indulgence of the House while I cite some few from the numerous writers of weight and authority in the Christian Church, who have illustrated or supported the doctrine.

Now, sir, far be it from me to undertake to teach this learned House, and above all, the Hon. Chairman of the Committee on Territories, great theological truths. If there be any subject with which this honorable body is especially conversant, it is theology. I have heard more Scripture quoted here, and more morality taught, than in any other place it was ever my fortune to serve. With great diffidence then, I venture to suggest to the supporters of this bill, that while polygamy had its origin in holy writ, taught as I have said before by the greatest of all lawmakers, and not only tolerated, but explicitly commanded by the Almighty, as I shall presently show, monogamy, or the system of marriage now recognized by so many Christian nations, originated among the Pagans of ancient Greece and Rome.

I know, sir, that the report accompanying the bill fetches vast stores of theological information to bear; informs us that polygamy is contrary to the Divine economy, and refers to the marriage of the first human couple, and cites the further testimony of the Bible, and that of the history of the world. Setting aside the last named as slightly too voluminous for critical examination in the present discussion, we will take up,

as briefly as possible, the Divine authorities, and the commentaries and discussions thereon by eminent Christian writers, and see how far my people have been misled by clinging to them. As for the illustrious example quoted of our first parents, all that can be said of their marriage is, that it was exhaustive. Adam married all the women in the world, and if we would find teaching by example, we must go among his descendants, where examples can be found among the favored people of God, whose laws were of Divine origin, and whose conduct received sanction or punishment at His hands.

At the period of the Reformation in Germany, during the early part of the 16th century, those great reformers, Luther, Melancthon, Zwingle, and Bucer, held a solemn consultation at Wittenburg on the question, "Whether it is contrary to the Divine law for a man to have two wives at once?" and decided unanimously that it was not: and upon the authority of this decision, Philip, Landgrave of Hesse, actually married a second wife, his first being still alive. This fact is recorded in D'Aubigné's History of the Reformation, and by other authors of that period.

Dr. Hugo Grotius, a celebrated Dutch jurist and statesman, and most eminent law-writer of the seventeenth century, states that "the Jewish laws allow a plurality of wives to one man."

Hon. John Selden, a distinguished English author and statesman, a member of Parliament for Lancaster in 1624, and who represented the University of Oxford in the Long Parliament of 1640, in his work entitled "Uxor Hebraica," the Hebrew Wife, says that "polygamy was allowed, not only among the Hebrews, but in most other nations throughout the world; and that monogamy is a modern and a European custom, almost unknown to the ancient world."

Dr. Samuel Puffendorf, professor of law in the University of Heidelberg, in Germany, and afterwards of Lund, in Sweden, who wrote during the latter part of the 17th century, in his great work on the law of nature and of nations, says that "the Mosaic law was so far from forbidding this custom (polygamy) that it seems in several places to suppose it;" and in another place he says, in reference to the rightfulness thereof, "the polygamy of the *fathers*, under the old covenant, is an argument which ingenuous men must confess to be unanswerable."

Rev. Gilbert Burnet, Bishop of Salisbury, the particular friend of William III, who was eminent among both historians and theologians, wrote a tract upon this subject, near the beginning of the 18th century.

The tract was written on the question, "Is a plurality of wives in any case lawful under the gospel?"

"Neither is it (a plurality of wives) anywhere marked among the blemishes of the partriarchs; David's wives, and store of them he had, are termed by the prophet, God's gift to him; yea, a plurality of wives was made in some cases a duty by Moses' law; when any died without issue, his brother, or nearest kinsman, was to marry his wife, for raising up seed to him; and all were obliged to obey this, under the hazard of infamy, if they refused it; neither is there any exception made for such as were married. From whence I may faithfully conclude, that what God made necessary in some cases to any degree can in no case be sinful in itself; since God is holy in all His ways.

"But it is now to be examined if it is forbidden by the gospel. A simple and express discharge of a plurality of wives is nowhere to be found.

"It is true our Lord discharges divorces, except in the case of adultery, adding that whosoever puts away his wife upon any other account, commits adultery; so St. Luke and St. Matthew in one place have it, or commits adultery against her; so St. Mark has it, or causes her to commit adultery; so St. Matthew in another place.

"But, says an objector, if it be adultery then to take another woman after an unjust divorce, it will follow that the wife has that right over the husband's body that he must touch no other.

"This is indeed plausible, and it is all that can be brought from the New Testament which seems convincing; yet it will not be found of weight.

"For it is to be considered, that if our Lord had been to antiquate the plurality of wives, it being so deeply rooted in the men of that age, confirmed by such fashions and unquestioned precedents, and riveted by so long a practice, he must have done it plainly and authoritatively, and not in such an involved manner as to be sought out of his words by the search of logic.

"Neither are these dark words made more clear by any of the apostles in their writings; words are to be carried no further than the design upon which they were written will lead them to; so that of our Lord being, in that place, to strike out divorce so explicitly, we must not by a consequence condemn a plurality of wives, since it seems not to have fallen within the scope of what our Lord does there disapprove.

"Therefore, to conclude this short answer, wherein many things are hinted, which might have been enlarged into a volume, I see nothing so strong against a plurality of wives as to balance the great and visible imminent hazards that hang over so many thousands, if it be not allowed."

Rev. Martin Madan, a relative of the poet Cowper, and an accomplished scholar, was chaplain of the Lock Hospital in London during the latter part of the 18th century. By his exertions the first chapel for the use of the unfortunate inmates of that hospital was built, and then, perhaps for the first time in the history of England, the gospel was preached for the special benefit of fallen women. The sympathies of their benevolent chaplain were so deeply enlisted in their behalf

that he published a book upon the subject in 1780, entitled "*Thelyphthora;* or, a Treatise on Female Ruin, in its Causes, Effects, Consequences, Prevention and Remedy," which remedy he discovers to be polygamy, and which he discusses in a very thorough manner in three octavo volumes. I submit copious extracts from this learned work, which, in addition to being directly in point in the discussion before us, illustrate the earnestness and sincerity of the author in his efforts to benefit the condition of fallen women and to prevent the ruin of others.

"The best and fairest, and, indeed, the only way to get at the truth on this, as on every occasion where religion is concerned, is to lay aside prejudice, from whatever quarter it may be derived, and let the Bible speak for itself. Then we shall see that more than one wife, notwithstanding the seventh commandment, was allowed by God himself, who, however others might take it, must infallibly know His own mind, be perfectly acquainted with His own will, and thoroughly understand His own law. If He did not intend to allow a plurality of wives, but to prevent and condemn it, either by the seventh commandment, or by some other law, how is it possible that He should make laws for its regulation, any more than He should make laws for the regulation of theft or murder? How is it conceivable that He should give the least countenance to it, or so express His approbation as even to work miracles in support of it? For the making a woman fruitful who was naturally barren must have been the effect of supernatural power. He blessed, and, in a distinguished manner, owned the issue, and declared it legitimate to all intents and purposes. If this be not allowance what is?

"As to the first, namely, His making laws for the regulation of polygamy, let us consider what is written in Exodus xxi, 10. If he (*i. e.*, the husband) take him another wife, (not in so doing that he sins against the seventh commandment, recorded in the preceding chapter,) but her food, her raiment, (*i. e.*, of the first wife) and her duty of marriage, he shall not diminish. Here God positively forbids a neglect, much more the divorcing or putting away of the first wife, but charges no sin in taking the second.

"Secondly. When Jacob married Rachel she was barren, and so continued for many years; but God did not leave this as a punishment upon her for marrying a man who had another wife. It is said, (Genesis xxx, 22,) that God remembered Rachel; and God hearkened unto her and opened her womb, and she conceived and bare a son, and said, 'God hath taken away my reproach.' Surely, this passage of Scripture ought to afford a complete answer to those who bring the words of the marriage bond as cited by Christ, (Matthew xix, 5:) 'They twain shall be one flesh,' to prove polygamy sinful, and should lead us to construe them as, by this instance and many others, the Lawgiver himself appears to have done; that is to say, where a woman, not betrothed to another man, unites herself in personal knowledge with the man of her choice, let that man's situation be what it may, they twain shall be one flesh. How, otherwise, do we find such a woman as Rachel united to Jacob, who had a wife then living, praying to God for a blessing on her intercouse with Jacob, and God, hearkening to her, opening her

womb, removing her barrenness, and thus by miracle taking away her reproach? We also find the offspring legitimate, and inheritors of the land of Canaan—a plain proof that Joseph and Benjamin were no bastards, or born out of lawful marriage.

"See a like palpable instance of God's miraculous blessing on polygamy in the case of Hapnah. (1 Samuel, i and ii.) These instances serve also to prove that, in God's account, the second marriage is just as valid as the first, and as obligatory; and that our making it less so is contradictory to the Divine wisdom.

"Thirdly. God blessed and owned the issue. How eminently this was the case with regard to Joseph, see Genesis lxix, 22–26; to Samuel, see 1 Samuel, iii, 15. It was expressly commanded that a bastard, or son of a woman that was with child by whoredom, should not enter into the congregation of the Lord, even to his tenth generation. (Deuteronomy xiii, 2.) But we find Samuel, the offspring of polygamy, ministering to the Lord in the tabernacle at Shiloh, even in his very childhood, clothed with a linen ephod, before Eli, the priest. See this whole history, 1 Samuel, i and ii. Who, then, can doubt of Samuel's legitimacy, and consequently of God's allowance of and blessing on polygamy? If such second marriage was, in God's account, null and void, as a sin against the original law of marriage, or the seventh commandment, or any other law of God, no mark of legitimacy could have been found on the issue; for a null and void marriage is tantamount to no marriage at all; and if no marriage, no legitimacy of the issue can possibly be. Instead of such a blessing as Hannah obtained, we should have found her and her husband, Elkanah, charged with adultery, dragged forth, and stoned to death; for so was adultery to be punished. All this furnishes us with a conclusive proof that the having more than one wife with which a man cohabited was not adultery in the sight of God; or, in other words, that it never was reckoned by Him any sin against the seventh commandment, or the original marriage institution, or any other law whatsoever.

"Fourthly. But there is a passage (Deuteronomy xxi, 15) which is express to the point, and amounts to a demonstration of God's allowance of plurality of wives. If a man have two wives, one beloved and another hated, and they have borne him children, both the beloved and the hated; and if the first-born be hers that was hated, then it shall be, when he maketh his sons to inherit that which he hath, that he may not make the son of the beloved first-born before the son of the hated, which is, indeed, the first-born, by giving him a double portion of all that he hath; for he is the beginning of his strength, and the right of the first-born is his. On the footing of this law, the marriage of both women is equally lawful. God calls them both wives, and He cannot be mistaken; if He calls them so, they certainly were so. If the second wife bore the first son, that son was to inherit before a son born afterwards of the first wife. Here the issue is expressly deemed legitimate, and inheritable to the double portion of the first-born; which could not be, if the second marriage were not deemed as lawful and valid as the first.

"Fifthly. To say that a plurality of wives is sinful is to make God the author of sin; for, not to forbid that which is evil, but even to countenance and promote it, is being so far the author of it, and accessory to it in the highest degree. And shall we dare to say, or even think, that this is chargeable upon Him who is of purer eyes than to behold evil, and who cannot look on iniquity? (Habhakuk i, 13.) God forbid.

"When God is upbraiding David, by the prophet Nathan, for his ingratitude

to his Almighty benefactor, (2 Samuel, xii,) he does it in the following terms, verse 8: 'I gave thee thy master's house, and thy master's wives unto thy bosom, and I gave thee the house of Israel and Judah, and if that had been too little, I would, moreover, have given thee such and such things.'

"Can we suppose God giving more wives than one into David's bosom, who already had more than one, if it was sin in David to take them? Can we imagine that God would thus transgress (as it were) His own commandment in one instance and so severely reprove and chastise David for breaking it in another? Is it not rather plain, from the whole transaction, that David committed mortal sin in taking another living man's wife, but not in taking the widows of the deceased Saul? And thus, therefore, though the law of God condemned the first yet it did not condemn the second.

"Sixthly. When David took the wife of Uriah he was severely reprimanded by the prophet Nathan, but after Uriah's death he takes the same woman, though he had other wives before, and no fault is found with him; nor is he charged with the least flaw or insincerity in his repentance on that account. The child which was the fruit of his intercourse with Bathsheba, during her husband Uriah's life, God struck to death with his own hand. (2 Samuel, xii, 15.) Solomon, born of the same woman, begotten by the same man, in a state of plurality of wives, is acknowledged by God himself as David's lawful issue, (1 Kings, v, 5,) and as such set upon his throne. The law which positively excluded bastards, or those born out of lawful wedlock, from the congregation of the Lord, even to the tenth generation, (Deuteronomy xxiii, 2,) is wholly inconsistent with Solomon being employed to build God's temple, being the mouth of the people to God in prayer, and offering sacrifices in the temple at its dedication, unless David's marriage with Batheheba was a lawful marriage; Solomon, the lawful issue of that marriage; consequently a plurality of wives no sin, either against the primary institution of marriage or against the seventh commandment. But so far from Solomon being under any disqualification from the law above mentioned, he is appointed by God himself to build the temple. (1 Kings, viii, 19.) His prayer is heard, and the house is hallowed (chapter ix, 3) and filled with such glory that the priests could not stand to minister. (Chapter viii, 11.) Solomon, therefore, as well as Samuel, stands as demonstrable proof that a child born under the circumstances of a plurality of wives is no bastard—God himself being the judge, whose judgment is according to truth.

"A more striking instance of God's thoughts on the total difference between a plurality of wives and adultery does not meet us anywhere with more force and clearness, in any part of the sacred history, than in the account which is given us of David and Bathsheba and their issue.

"When David took Bathsheba, she was another man's wife; the child which he begat by her in that situation was begotten in adultery—and the thing which David had done displeased the Lord. (2 Samuel, xi, 27.) And what was the consequence? We are told (2 Samuel, xii, 1) the Lord sent Nathan, the prophet, unto David. Nathan opened his commission with a most beautiful parable, descriptive of David's crime; this parable the prophet applies to the conviction of the delinquent, sets it home upon his conscience, brings him to repentance, and the poor penitent finds mercy—his life is spared. (Verse 13.) Yet God will vindicate the honor of His moral government, and that in the most awful manner the murder

of Uriah is to be visited upon David and his house. The sword shall never depart from thine house. (Verse 10.) The adultery with Bathsheba was to be retaliated in the most aggravated manner. 'Because thou hast despised me, and hast taken the wife of Uriah, the Hittite, to be thy wife, thus saith the Lord, I will raise up evil against thee out of thine own house, and I will take thy wives and give them unto thy neighbor before thine eyes; and he shall lie with thy wives in the sight of the sun; for thou didst it secretly; but I will do this thing before all Israel and before the sun.' All this was shortly fulfilled in the rebellion and incest of Absalom. (Chapter xi, 21, 22.) And this was done in the way of judgment on David for taking and defiling the wife of Uriah, and was included in the curses threatened (Deuteronomy xxxviii, 30) to the despisers of God's laws.

"As to the issue of David's adulterous commerce with Bathsheba, it is written, (2 Samuel, xii, 15,) the Lord struck the child that Uriah's wife bare unto David, and it was very sick. What a dreadful scourge this was unto David, who could not but read his crime in his punishment, the following verses declare, wherein we find David almost frantic with grief. However, the child's sickness was unto death, for (verse 18) on the seventh day the child died.

"Now let us take a view of David's act in taking a plurality of wives, when, after Uriah's death, he added Bathsheba to his other wives. (Verses 24, 25.) And David comforted Bathsheba, his wife, and went in unto her and lay with her, and she bare a son, and he called his name Solomon, (that maketh peace and reconciliation or recompense,) and the Lord loved him. Again we find Nathan, who had been sent on the former occasion, sent also on this, but with a very different message. And He (the Lord) sent by the hand of Nathan, the prophet, and he called his name Jedediah, (Dilectus Domini—Beloved of the Lord) because of the Lord—*i. e.*, because of the favor God had towards him. (Verse 24.)

"Let any read onward through the whole history of Solomon; let them consider the instances of God's peculiar favor towards him already mentioned, and the many others that are to be found in the account we have of him; let them compare God's dealings with the unhappy issue of David's adultery and this happy offspring of Bathsheba, one of his many wives, and if the allowance and approbation of the latter doth not as clearly appear as the condemnation and punishment of the former, surely all distinction and difference must be at an end, and the Scripture itself lose the force of its own evidence.

"Seventhly. I have mentioned the law being explained by the prophets. These were extraordinary messengers, whom God raised up and sent forth under a special commission, not only to foretell things to come, but to preach to the people, to hold forth the law, to point out their defections from it, and to call them to repentance, under the severest terms of God's displeasure unless they obeyed. Their commission in these respects we find recorded in Isaiah lviii, 1: 'Cry aloud, spare not, lift up thy voice like a trumpet; show my people their transgression, and the house of Jacob their sins.' This commission was to be faithfully executed at the peril of the prophet's own destruction, as appears from the solemn charge given to Ezekiel, chapter iii, 18: 'When I say to the wicked, thou shalt surely die, and thou givest him not warning, nor speakest to warn the wicked to save his life, the same wicked man shall die in his iniquity, but his blood will I require at thine hand.'

"These prophets executed their commissions very unfaithfully towards God and

the people, as well as most dangerously for themselves, if a plurality of wives was sin against God's law, for it was the common practice of the whole nation, from the prince on the throne to the lowest of the people; and yet neither Isaiah, Jeremiah, nor any of the prophets, bore the least testimony against it. They reproved them sharply and plainly for defiling their neighbors' wives, as Jeremiah, v, 8; xxix, 23, in which fifth chapter we not only find the prophet bearing testimony against adultery, but against whoredom and fornication, (verse 7,) for that they assembled themselves by troops in the harlots' houses. Not a word against polygamy. How is it possible, in any reason, to think that this, if a sin, should never be mentioned as such by God, by Moses, or any of the prophets?

"Lastly. In the Old Testament, plural marriage was not only allowed in all cases, but in some commanded. Here, for example, is the law, (Deut. xxv, 5–10.) 'If brethren dwell together, and one of them die and have no child, the wife of the dead shall not marry without unto a stranger; her husband's brother shall go in unto her, and take her to him to wife, and perform the duty of a husband's brother unto her. And it shall be that the first-born that she beareth shall succeed in the name of the brother which is dead, that his name be not put out of Israel,' etc.

"This law must certainly be looked upon as an exception from the general law, (Leviticus xviii, 16,) and the reason of it appears in the law itself, namely: 'To preserve inheritances in the families to which they belonged.'

* * "As there was no law against plurality of wives, there was nothing to exempt a married man from the obligation of marrying his brother's widow. * * * * For let us suppose that not only the surviving brother, but all the near kinsmen, to whom the marriage of the widow and the redemption of the inheritance belonged, were married men—if that exempted them from the obligation of this law—as they could not redeem the inheritance unless they married the widow, (Ruth iv, 5)—the widow be tempted to marry a stranger—to put herself and the inheritance into his hands—and the whole reason assigned for the law itself, that of raising up seed to the deceased, to preserve the inheritance in his family, that his name be not put out of Israel—fall to the ground. For which weighty reasons, as there was evidently no law against a plurality of wives, there could be no exemption of a man from the positive duty of this law because he was married. As we say, '*Ubi cadit ratio, ibi idem jus.*'

"I will now hasten to the examination of a notion, which I fear is too common among us, and on which what is usually said and thought on the subject of a plurality of wives is for the most part built; I mean that of representing Christ as appearing in the world as 'a new lawgiver, who was to introduce a more pure and perfect system of morality than that of the law which was given by Moses.' This horrible blasphemy against the holiness and perfection of God's law, as well as against the truth of Christ, who declared that He came not to destroy the law, but to fulfil it—this utter contradiction both of the law and Gospel—was the foundation on which the heretic, Socinius, built all his other abominable errors

"Christ most solemnly declared that heaven and earth could sooner pass than one jot or tittle pass from the law. Think not, said He, that I am come to destroy the law or the prophets; I am not come to destroy, but to fulfil. So far from abrogating the law, or rule of life, which had been delivered by the hand of Moses, or setting up a new law in opposition to it—He came into the world to be

subject to it in all things, and so to fulfil the whole righteousness of it. (Mat. iii, 15.) To magnify and make it honorable, (Isaiah xiii, 21,) even by His obedience unto death. Speaking in the spirit of prophecy, (Psalms xl, 8,) He says: 'Lo, I come; in the volume of the book it is written of me, I delight to do thy will, O my God; yea, Thy law is within my heart.' And in His public ministry, how uniformly doth He speak the same thing?

"If we attend to our Saviour's preaching, and especially to that heavenly discourse delivered from the Mount, we shall find Him a most zealous advocate for the law of God, as delivered by Moses. We shall find Him stripping it of the false glosses, by which the Jewish rabbis had obscured or perverted its meaning, and restoring it to that purity and spirituality by which it reacheth even to the thoughts and intents of the heart. For instance, when He is about to enter upon a faithful exposition of the moral law, lest His hearers should imagine that what He was about to say was contrary to the law of the Old Testament, being so different from the teachings of the Scribes and Pharisees, He prefaces His discourse with those remarkable words, (Matthew xvii, 17–20:) 'Think not that I am come to destroy the law or the prophets; I am not come to destroy, but to fulfil; for verily I say unto you, till heaven and earth pass away, one jot or one tittle shall not pass from the law till all be fulfilled.'

"Let us take a nearer and more critical view of those passages of the gospels in which Christ is supposed to condemn the plurality of wives as adultery. The first which I shall take notice of as introductory to the rest, is Matthew v, 31, 32: 'It hath been said, whosoever shall put away his wife, let him give her a writing of divorcement. But I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery, and whosoever shall marry her that is divorced, committeth adultery'

"The next Scripture to be further considered is Matthew xix, 9: 'I say unto you, whosoever shall put away his wife, (except it be for fornication,) and shall marry another, committeth adultery; and whoso marrieth her which is put away committeth adultery.'

"Christ was surrounded at this time by a great multitude of people, who, in principle, as living under the law of the Old Testament, were polygamists, and, doubtless, numbers of them were so in practice. Many there must have been among this great multitude of Jews who had either married two wives together, or, having one, took another to her and cohabited with both. Had our Lord intended to have condemned such practices, he would scarcely have made use of words which did not describe their situation, but of words that did. It is very plain that he that putteth away his wife by giving her a bill of divorcement could have nothing to do with the man who took two wives together, or one to another, and cohabited alike with both. But we are apt to construe Scripture by supposing persons, to whom particular things are said, were in the circumstances then in which we are now, but it was far otherwise; they had no municipal laws against plurality of wives as we have. So far from it, their whole law (as has been abundantly proved) allowed it. Which said law, and every part thereof, was, at the time Christ spake what is recorded in Matthew xix, 9, in as full force and efficacy as at the moment after Moses had delivered it to the people. He, therefore, could no more state a plurality of wives as adultery by the law of Israel than I can state it as high treason by the laws of England.

"Can it be imagined that Christ, so remarkable for His precision, so thoroughly accurate in all He said on every other point, should use so little in this as not to make Himself understood by His hearers? Nay; that he should observe so little precision as not to describe an offence which we are to suppose Him to condemn? The most flagrant instances, the most obvious and palpable definitions of a plurality of wives, cannot be understood from what He says. He that putteth away his wife by bill of divorcement, and marrieth another, does not describe a man's taking two wives together and cohabiting with both, nor a man's having a wife and taking another to her and cohabiting with both. Such was the Old Testament plurality of wives—not the putting away one in order to take another.

"Now, if a plurality of wives were unlawful and, of course, null and void before God, then was not Christ legally descended of the house and lineage of David, but from a spurious issue, not only in the instances above mentioned, but also in others which might be mentioned. So that when Christ is supposed to condemn a plurality of wives as adultery, contrary to the institution of marriage, and to the seventh commandment, He must at the same time be supposed to defeat His own title to the character of the Messiah, concerning whom God had sworn to David, that of the fruit of his loins, according to the flesh, He would raise up Christ to sit on His throne. (See Acts ii, 30, with Psalms cxxxii, 11.)

"The lawfulness of a plurality of wives must of course be established, or the whole of Christianity must fall to the ground, and Christ not he He that was to come, but we must look for another. (Matthew xi, 3.)

"In none of St. Paul's epistles, nor in the seven awful epistles which St. John was commanded to write to the seven churches in Asia, is a plurality of wives found among the crimes for which they were reproved. Every other species of commerce between the sexes is distinctly and often mentioned; this not once, except on the woman's side, as Romans vii, 3; but had it been sinful and against the law on the man's side, it is inconceivable that it should not have been mentioned on both sides equally.

"Grotius observes, 'Among the Pagans few nations were content with one wife,' and we do not find the apostle making this any bar to church membership. It can hardly be supposed that if a plurality of wives were sinful—that is to say, an offence against the law of God—the great apostle should be so liberal and so particular, in his epistle to the Corinthians, in the condemnation of every other species of illicit commerce between the sexes, and yet omit this in the black catalogue, (chapter vi, 9, &c.;) or that he should not be as zealous for the honor of the law of marriage, or of the seventh commandment, which was evidently to maintain it, as Ezra was for that positive law of Deuteronomy vii, 3, against the marrying with heathens. Ezra made the Jews put away the wives which they had illegally taken, and even the very children which they had by them; how is it that Paul, if a plurality of wives was sinful, did not make the Gentile and the Jewish converts put away every wife but the first, and annul every other contract?

"No man could have a fairer opportunity to bear his testimony against a national sin than the Baptist had; for it is said, (Matthew iii, 5:) 'Then went out to him Jerusalem and all Judea, and all the region round about Jordan, and among the numbers who were baptized of him in Jordan, confessing their sins (verse 6,) there were many harlots. (Chapter xxi, 32.) So that it is evident he did not spare to inveigh most sharply against the sin of fleshly uncleanliness; had a

plurality of wives been of this kind, he doubtless would have preached against it, which, if he had, some trace would most probably have been left of it, as there is of his preaching against the sin of whoredom, by the harlots being said to have believed on him: which they certainly would not have done any more than the Scribes and Pharisees, (Matthew xxi, 32,) if the preacher had not awakened them to a deep and real sense of their guilt, by setting forth the heinousness of their sin. He exerted his eloquence also against public aggrievances, such as the extortion of the public officers of the revenue—the publicans—tax-gatherers—likewise against the oppressive methods used by the soldiery, who made it a custom either to take people's goods by violence, or to defraud them of their property, by extorting it under the terror of false accusation. These were public grievances, against which the Baptist bore such open testimony, that the soldiers and publicans came to him, saying: 'What shall we do?' This being the case, is it conceivable that a man of the Baptist's character, who was so zealous for the honor of the law as to reprove even a king to his face for adultery, should suffer, if a plurality of wives be adultery, a whole nation, as it were, of public adulterers, to stand before him, and not hear the least testimony against them? I do not say this is a conclusive but is surely a strong presumptive argument, that in the Baptist's views of the matter, a plurality of wives, whoredom, and adultery were by no means the same thing.

"While this system of a plurality of wives was reverenced and observed, we read of no adultery, whoredom, and common prostitution of women among the daughters of Israel; no brothels, street walking, venereal diseases; no child-murder, and those other appendages of female ruin which are too horrid to particularize. Nor were these things possible, which, since the revocation of the Divine system and the establishment of human systems, are become inevitable. The supposing our blessed Saviour came to destroy the Divine law, or alter it with respect to marriage, is to suppose Him laying a foundation for the misery and destruction of the weaker sex"

Rev. Messrs. Conybeare and Howson, clergymen of the Church of England, joint authors of "The Life and Epistles of St. Paul," published near the middle of the present century, in their commentary upon the passage in the epistle to Timothy, relative to the one wife of a bishop, say:

"In the corrupt facility of divorce allowed both by the Greek and Roman law, it was very common for man and wife to separate and marry other parties during the life of one another. Thus a man might have three or four living wives; or rather women who had all successively been his wives. * * * A similar code is [now] unhappily to be found in Mauritius; there * * * it is not uncommon to meet in society three or four women who have all been the wives of the same man. * * * We believe it is this kind of *successive* polygamy, rather than *simultaneous* polygamy, which is here spoken of as disqualifying for the Presbyterate. So Beza."

Rev. David A. Allen, D. D., a Congregationalist, and a missionary of the American Board of Commissioners for Foreign Missions, after a

professional residence of twenty-five years in Hindoostan, published a work in 1856, entitled "India, Ancient and Modern," in which he says, pp. 551--3:

"Polygamy is practised in India among the Hindoos, the Mohammedans, the Loroastrians, and the Jews. It is allowed and recognized by the Institutes of Menu, by the Koran, by the Lendavesta, and the Jews believe, by their scriptures, the Old Testament. It is recognized by all the courts in India, native and English. The laws of the British Parliament recognize polygamy among all these classes, when the marriage connection has been formed according to the principles of their religion and to their established forms and usages. The marriage of a Hindoo or a Mahommedan with his second or third wife, is just as valid and as legally binding on all parties as his marriage with his first wife; just as valid as the marriage of any Christian in the Church of England. * * * * This man cannot divorce any of his wives if he would, and it would be great injustice and cruelty to them and their children if he should. * * * * His having become a Christian and embraced a purer faith will not release him from those obligations in view of the English government and courts, or of the native population. Should he put them away, or all but one, they will still be legally his wives, and cannot he married to another man. And further, they have done nothing to deserve such unkindness, cruelty, and disgrace at his hands. * * * * So far from viewing polygamy as morally wrong, they not unfrequently take a second or a third wife with much reluctance, and from a painful sense of duty to perpetuate their name, their family, and their inheritance."

In an appendix to this work, Dr. Allen informs the world that the subject of polygamy had been brought before the Calcutta Missionary Conference, a body composed of the missionaries of the various missionary societies of Great Britain and America, and including Baptists, Congregationalists, Episcopalians, Methodists, Presbyterians, and others, in consequence of the application of Christian converts, who, having several wives each, to whom they had been legally married, now desired admittance into the Christian Churches. After frequent consultations and much consideration, the conference, says Dr. Allen, came unanimously to the following conclusion:

"*If a convert, before becoming a Christian, has married more wives than one, in accordance with the practice of the Jewish and primitive Christian churches, he shall be permitted to keep them all, but such a person is not eligible to any office in the church.*"

These facts, as Dr. Allen asserts them, have a direct and an important bearing upon this bill and the accompanying report. They prove that one of its main charges, that polygamy is abhorrent to every Christian nation, is false, for the British Empire is a Christian nation, and Hindoostan is an integral part of that empire, as much so as its American provinces are, or as Ireland is. Hindoostan is a civil-

ized country, with schools and colleges, and factories and railroads, and telegraphs and newspapers. Yet the great mass of the people, comprising more than eighty millions, are polygamists, and as such they are recognized and protected by the laws of the British Parliament, and the courts of the Queen's Bench; and the English and American missionaries of the gospel who reside there, and have resided there many years, and who know the practical working of polygamy, have assembled together in solemn conference and unanimously pronounced it to be right, and in accordance with the practice of the primitive Christian churches; and the French, the Spanish, the Dutch, the Portuguese, and other Christian nations are known to pursue a similar policy, and to allow the different peoples under their governments, the free and unmolested enjoyment of their own religions and their own marriage system, whether they are monogamous or polygamous.

I trust, Mr. Speaker, that I have not wearied your patience by this citation of learned authorities upon the antiquity and universality of the polygamic doctrines. My object in this part of my argument is not to prove that polygamy is right or wrong, but simply to illustrate that a doctrine, the practice of which has repeatedly been commanded by the Almighty; which was the rule of life with the Jews at the time they were the chosen people of God, and were, in all things, governed by His dictation; which has among its supporters many of the most eminent writers of the Christian church of all ages, and which is now sanctioned by law and usage in many of the christianized provinces of the British Empire, is not wrong in itself. It is a doctrine, the practice of which, from the precedents cited, is clearly not inconsistent with the highest purity of character, and the most exemplary Christian life. My opponents may argue that it is unsuited to the civilization of the age, or is the offspring of a religious delusion; but if so, its remedy is to be sought through persuasion, and not by the exercise of force; it is the field for the missionary and not for the jurist or soldier. It is a noble and a Christian work to purify and enlighten a benighted soul; to lift up those who are fallen and ready to perish; but from all the pulpits of the land comes up the cry that the fields are white for the harvest, while the laborers are few. So soon, however, as the Luthers, the Melancthons, the Whitfields of to-day, have wiped out the immorality, licentiousness and crime of the older communities, and have made their average morality equal to that of the city of Salt Lake, let them transfer their field of labor to the wilds of Utah, and may God forever prosper the right.

I trust, Mr. Speaker, that men abler and more learned in the law than I, will discuss the legal monstrosities of this bill, fraught with evil, as it is, not only to the citizen of Utah, but to the nation at large; but must be pardoned for calling special attention to the seventh section, which gives to a single officer, the United States marshal, with the clerk of the court, the absolute right of selecting a jury; and, further, to the 10th section, which provides that persons entertaining an objectionable religious theory—not those who have been guilty of the practice of polygamy, but who have simply a belief in the abstract theory of plural marriage—shall be disqualified as jurors.

To see what a fearful blow this is at the very foundation of our liberties; what a disastrous precedent for future tyranny, let us recall for a moment the history of the trial by jury; something with which all are as familiar as with the decalogue, but which, like the ten commandments, may occasionally be recalled with profit. Jury trial was first known as a trial *per pais;* by the country; and the theory was, that when a crime had been committed, the whole community came together and sat in judgment upon the offender. This process becoming cumbersome as population increased, twelve men were drawn *by lot* from the country, thus securing, as was supposed, a representation of the average public sentiment of the whole country, and which was further secured by requiring the finding of the jury to be unanimous.

A fair trial by jury, by our Anglo-Saxon ancestors, was regarded as so precious, that in Magna Charta it is more than once insisted on as the principal bulwark of English liberty.

Blackstone says of it: "It is the glory of the English law. It is the most transcendent privilege which any subject can enjoy or wish for, that he cannot be affected either in his property, his liberty or his person, but by the unanimous consent of twelve of his neighbors and equals; a provision which has, under Providence, secured the just liberties of this nation for a long succession of ages."

Our own people have been no whit behind the English in their high appreciation of the trial by jury. In the original Federal Constitution, it was provided simply that the "trial of all crimes, except in cases of impeachment, shall be by jury." The framers of the Constitution considered that the meaning of "trial by jury" was sufficiently settled by long established usage and legal precedent, and that the provision just cited was sufficient. But such was not the view of the people. One of the most serious objections to the adoption

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of the Constitution by the States was its lack of clearness upon this most vital point, and Alexander Hamilton, in one of the ablest and most carefully considered numbers of *The Federalist*, endeavored to explain away this objection. The Constitution was adopted, but the nation was not satisfied; and one of the earliest amendments to that instrument further provided that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury," and that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

Thus, Mr. Speaker, it will be observed with what scrupulous solicitude our ancestors watched over this great safeguard of the liberties of the people. Nothing was left to inference or established precedent, but to every citizen was guaranteed in this most solemn manner an impartial trial by a jury of his neighbors and his peers, residents of the district where the offence was charged.

Now, sir, is there any member of this House who will claim or pretend that the provisions of this bill are not in violation of this most sacred feature in our bill of rights? The trial by jury by this bill is worse than abolished, for its form—a sickening farce—remains while its spirit is utterly gone. A packed jury is worse than no jury at all. The merest tyro in the law, knows that the essence of a trial by jury consists in the fact that the accused is tried by a jury drawn by lot from among his neighbors; a jury drawn without previous knowledge, choice, or selection on the part of the Government; a jury which will be a fair epitome of the district where the offence is charged, and thus such a tribunal, as will agree to no verdict except such as, substantially, the whole community would agree to, if present and taking part in the trial. Any other system of trial by jury is a mockery and a farce. The standard of public morality varies greatly in a country so vast as ours, and the principle of a jury trial recognizes this fact, and wisely provides, in effect, that no person shall be punished who, when brought to the bar of public opinion in the community where the alleged offence is committed, is not adjudged to have been guilty of a crime. This most unconstitutional and wicked bill before us, defies all these well-established principles, and strikes at the root of the dearest rights of the citizen. I have an earnest and abiding faith in the bright future of my native land; but if our national

career, as we may fondly hope, shall stretch out before us its unending glories, it will he because of the prompt and decisive rebnke. by the representatives of the people here, of all such legislation as tbat sought in the bill before us.

I have touched more fully, Mr. Speaker, upon the feature of the bill virtually abolisbing jury trial, than upon any other, because of its more conspicuous disregard of constitutional right. But the whole bill, from first to last, is most damnable in its provisions, and most unworthy of consideration by the representatives of a free people. This is an age of great religious toleration. This bill recalls the fearful days of the Spanish inquisition, or the days when, in New England, Quakers were persecuted or banished, and witches burned at the stake. It is but a short time since the country hailed with satisfaction a treaty negotiated on the part of a pagan nation tbrough the efforts of a former member of this body, and whose recent death bas filled our hearts with sadness, whereby the polygamous Chinese emigrants to our shores are protected in the enjoyment of their idolatrous faith, and may erect their temples, stocked with idols, and perform tbeir, to us, heathenish worship in every part of our land unquestioned. And while the civilized nations of Europe have combined to sustain and perpetuate a heathen nation practising polygamy in its lowest form, and are hailing with acclamation the approach of its head, the American Congress is actually deliberating over a bill which contemplates the destruction of an industrious people, and the expulsion of the great organizer of border civilization. Can it he possihle that the national Congress will even for a moment, seriously contemplate tbe persecution or annihilation of an integral portion of our citizens, wbose industry and material development are tbe nation's pride, because of a slight difference in tbeir religious faith? A difference, too, not upon tbe fundameutal truths of our common Christianity, but hecause of their conscientious adherence to what was once no impropriety even, but a virtue? This toleration in matters of religion, which is perhaps the most conspicuous feature of our civilization, arises not from any indifference to the sacred truths of Cbristianity, but from an abiding faith in their impregnability—a national conviction that truth is mighty and will prevail. We have adopted as our motto tbe sentiment of Paul: "Try all things; prove all things, and hold fast to that whicb is good." The ancient Jewish rabbi, in his serene confidence that God would remember bis own, was typical of tbe spirit of our age: "Refrain from tbese men and let tbem

alone, for if this counsel or this work be of God, ye cannot overthrow it; but if it he of men, it will come to nought."

I have the honor of representing here a constituency probably the most vigorously lied about of any people in the nation. I should insult the good sense of this House and of the American people did I stoop to a refutation of the countless falsehoods which have been circulated for years in reference to the people of Utah. These falsehoods have a common origin—a desire to plunder the treasury of the nation. They are the children of a horde of bankrupt speculators, anxious to grow rich through the sacrifice even of human life. During the administration of Mr. Buchanan, a Mormon war was inaugurated, in great measure through the statements of Judge W. W. Drummond, a man of infamous character and life, and who is cited as authority in the report accompanying this bill. His statement, as there published, that the Mormons had destroyed all the records, papers, &c., of the supreme Federal court of the Territory, and grossly insulted the Federal officers for opposing such destruction, was, as I have been informed by unquestionable authority, one of, if not the principal cause of the so-called Mormon war. An army was sent to Utah; twenty or thirty millions of dollars were expended, before the Government bethought itself to inquire whether such statements were true; then inquiry was made, and it was learned that the whole statement was entirely false; that the records were perfect and unimpaired.* Whereupon the war ended, but not until colossal fortunes were accumulated by the hangers-on and contractors for the army, who had incited the

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Extract from report of Governor Cumming:

EXECUTIVE OFFICE,
GREAT SALT LAKE CITY, U. T., *May* 2, 1858.

SIR— * * * * * * * *

Since my arrival, I have been employed in examining the records of the supreme and district courts, which I am now prepared to report upon as being perfect and unimpaired. This will doubtless be acceptable information to those who have entertained an impression to the contrary.

I have also examined the legislative records and other books belonging to the office of the Secretary of State, which are in perfect preservation.

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Very respectfully, your obedient servant,

A. CUMMING,
Governor of Utah.

Hon. LEWIS CASS,
Secretary of State, Washington city, D. C.

whole affair. These men, and numerons would-he imitators, long for the return of that golden age. They fill the ears of the public with slanders and with falsehoods; that murders are rife; that life and property are unsafe in Utah without the presence of large armies They have even sometimes induced Federal territorial officers, through ignorance or design, to hecome tbeir tools to help forward their infamous work. But since the railroad was completed, many of the American people have looked for themselves. They see in Utah the most peaceful and persistently industrious people on the continent. They judge tbe tree hy its fruits. They read that a community given up to lust does not build factories and fill the land with thrifty farms. That a nation of thieves and murderers do not live withont intoxicating liquors, and hecome famous for the products of their dairies, orchards, and gardens. A corrupt tree hringeth not forth the fruits of temperance, Christianity, industry and order.

Mr. Speaker, those who have heeu so kind and indulgent as to follow me thus far will have observed that I have aimed, as best I might, to show—

1. That under our Constitution we are entitled to he protected in the full and free enjoyment of our religious faith.

2. That our views of the marriage relation are an essential portion of our religious faith.

3. That in considering the cognizance of the marriage relation ss within the province of church regulations, we are practically in accord with all other Christian denominations.

4. That in our views of the marriage relation as a part of our religious helief, we are entitled to immunity from persecution under the Constitution if sucb views are sincerely held; that if such views are erroneons, their eradicstion must be by argument and not hy force.

5. That of our sincerity we have hoth hy words, and works, and sufferings, given for nearly 40 years, ahundant proof.

6. That the bill, in practically aholishing trial hy jury, as well as in many other respects, is unconstitutional, uucalled for, and in direct opposition to that toleration in religious helief which is characteristic of the nation and age.

It is not permitted, Mr. Speaker, that any one man should sit as the judge of any other as regards his religious belief. This is a matter which rests solely hetween each individnal and his God. The responsihility cannot he shifted or divided. It is a matter outside tbe domain of legislative action. The world is full of religious error

and delusion, but its eradication is the work of the moralist and not of the legislator. Our Constitution throws over all sincere worshippers, at whatever shrine, its guarantee of absolute protection. The moment we assume to judge of the truthfulness or error of any creed, the constitutional guarantee is a mockery and a sham.

Three times have my people been dispersed by mob violence, and each time they have arisen stronger from the conflict; and now the doctrine of violence is proposed in Congress. It may be the will of the Lord that, to unite and purify us, it is necessary for further violence, suffering and blood. If so, we humbly and reverently submit to the will of Him in whose hands are all the issues of human life. Heretofore we have suffered from the violence of the mob; now, the mob are to be clothed in the authority of an unconstitutional and oppressive law. If this course be decided upon, I can only say that the hand that smites us smites the most sacred guarantees of the Constitution, and the blind Samson, breaking the pillars, pulls down upon friend and foe alike the ruins of the State